

REMARKS

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims, the Declaration of Mr. Ohmura and the following remarks.

Claims 1-4 and 6-8 are pending in this Application. Claims 1-4 and 6 had been rejected as being anticipated by, or in the alternative, as being unpatentable over Cheng. Claims 7-8 had been rejected as being unpatentable over Cheng in view of Diamond; and unpatentable over Nishimori in view of Diamond. Finally, claims 7-8 had been rejected as failing to comply with the written description requirement.

Applicants have herein cancelled claims 7-8. Thus, the only remaining rejection is the rejection of claims 1-4 and 6 based on Cheng.

Applicants had submitted the Declaration of Mr. Ohmura in response to the prior Office Action. After reviewing the Declaration, the Examiner had stated on page 5, paragraph 1 of the outstanding Office Action that Applicants had made a persuasive showing that Cheng does not inherently possess the redispersion electroconductivity of claim 1. However, the Examiner had pointed to two deficiencies in the Declaration that need correction. Applicants have herein made these two corrections as suggested by the Examiner and provided a new Declaration of Mr. Ohmura.

As the Examiner will note, the enclosed Declaration is presently unexecuted. However, the statements contained therein originated with Declarant and are therefore entirely reliable. The document has been forwarded to Declarant for signature and will be forwarded to the Examiner as soon as the Declaration is executed. In the meantime, it is respectfully requested that the Examiner consider the unexecuted Declaration in order to expedite prosecution of this Application.

The Examiner had pointed to two deficiencies in the Declaration. First, the Examiner had noted that the Declaration failed to explain how the redispersion electroconductivity was determined for each of the Cheng toners. The Declaration states that the redispersion electro-conductivity of Examples 1-11 of the present invention and Examples I-IV of Cheng were determined by the method described at pages 8-9 of the present Application. Second, the Examiner had noted a discrepancy between Table 3a and paragraph 7 with regard to the amount of washing water, (A)* or (B)**, for the Yellow Toner of Cheng's Example (c) and (d). Mr. Ohmura has corrected Table 3a, and Table 3a now illustrates that Cheng's Example (c) was washed with an amount of water 100 times the amount of the toner weight (B)**, and Cheng's Example (d) was washed with an amount of water 10 times the amount of the toner weight (A)*.

In view of the foregoing and the enclosed, it is respectfully submitted that the application is now in condition for allowance and such action is respectfully requested. A one-month extension of time is hereby requested and PTO Form 2038 is enclosed herewith authorizing payment of the appropriate government fee. Should any further fees or extensions of time be necessary

in order to maintain this Application in pending condition,
appropriate requests are hereby made and authorization is
given to debit Account # 02-2275.

Respectfully submitted,

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DCL/mr

Encl: Unexecuted Declaration of Mr. Ken Ohmura
Executed PTO Form 2038 for \$110.00
Return receipt post-card